IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1399 OF 2005

Mr. Laxman Abaji Surve .. Applicant.

V/s.

The State of Maharashtra .. Respondent.

Shri A.P. Mundargi with B.Joshi for the Applicant.
Shri Konde-Deshmukh,APP for the Respondent- State.

CORAM : A.M.KHANWILKAR, J.
DATED : MARCH 10, 2005

PC :-

. Heard the learned counsel for the parties. Perused the record.

2. Originally the prosecution alleged that the seizure of Naphtha in two tankers containing 12,000/- litres each was carried for selling the said items for adulteration to be sold in the open market. However, now the investigating officer has filed affidavit and has confined the case against the applicant on the allegation that the applicant has violated condition of licence by exceeding the quantity of industrial solvent as permitted under the licence issued in his favour. According to him the applicant was entitled

to deal with the industrial solvent SL-1 upto 331 KL; whereas he has exceeded that quota. This allegation has now been explained by the applicant in his rejoinder affidavit in para 5, stating that the applicant has been granted licence for increased quantity upto 42,253 K.L. and that presently the applicant has dealt with the quantity which is far below the said permitted quota. The assertion made in the rejoinder affidavit in para -5 which is supported by the documents issued by the concerned authorities has not been controverted. If it is so, it will have to be assumed that the applicant has not exceeded the licence quota of industrial solvent. Accordingly, the applicant, in my opinion, is entitled for the relief claimed in this application.

3. This application is, therefore, allowed on the following terms.

(a) The Applicant is granted anticipatory bail in connection with C.R.No. 22/2004, registered with Jaikheda Police Station, on executing personal bond in the sum of Rs. 50,000/- (Rs. Fifty thousand only) with two local sureties in the like amount.

(b) The Applicant shall report to the concerned investigating officer as and when called upon.

(c) The applicant shall not influence the prosecution witness or tamper with the prosecution evidence in any manner whatsoever.

4. This order will enure in favour of the applicant till filing of the chargesheet.

5. Needless to mention that the observations made in this order is only for the purpose of considering the prayer for anticipatory bail and will not influence in further proceedings in any manner whatsoever in respect of the offence in question.

6. Ordered accordingly.

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